

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER FOSTER,	:	Case No. 2:22-cv-02153
	:	
Plaintiff,	:	Chief Judge Algenon L. Marbley
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
OHIO D.R.C. et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

Christopher Foster, an Ohio prisoner proceeding without the assistance of counsel, filed this civil rights action under 42 U.S.C. § 1983. The undersigned previously filed a Report and Recommendations on several filings and motions. (ECF No. 15.) Currently pending before the Court is a filing titled “Request to Proceed While Black” (ECF No. 5). The undersigned construes the Request as a non-dispositive motion and now rules on it accordingly. *See* 28 U.S.C. § 636; S.D. Ohio General Order 22-05 (*In re: Assignment and Reference of Prisoner Cases to Magistrate Judges in the Southern District of Ohio*).

In his “Request to Proceed While Black” (ECF No. 5), Plaintiff asserts that in past cases that he has filed, courts have ruled against him once they “learn[] or decide[]” that he is Black. (ECF No. 5 at 3, PageID 27.) Plaintiff claims that he has “met the three strike bar on the basis of no other reason than [his] race, disabilities, and status, or simply on the basis of [his] race, as an American with dark skinned complexion.” (*Id.* at 2, PageID 26.) He states that “[t]he impact is that, even today, since I am black, the State can do

anything it pleases, even disregard the Federal Supremacy Clause.” (*Id.* at 8, PageID 33.)

Plaintiff concludes: “Please GRANT this Motion that I can proceed in the absence of racial limits, or status, or wealth premises, and simply be held to the standard of the law to which my case is filed in pursuit of” (*Id.* at 10, PageID 34.)

This Court does not, and will not, discriminate against any litigant on the basis of race. Therefore, to the extent that Plaintiff’s Request seeks to ensure that he is not disadvantaged or discriminated against on the basis of race during the course of this litigation, it is **GRANTED**. In all other respects and to the extent that Plaintiff seeks any other kind of relief, such as exempting him from the three-strikes rule, it is **DENIED**.

IT IS SO ORDERED.

/s/ Caroline H. Gentry
Caroline H. Gentry
United States Magistrate Judge

Any party may, within fourteen (14) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by a District Judge. 28 U.S.C.

§ 636(b)(1)(A), Fed. R. Civ. P. 72(a). The motion must specifically designate the order or part in question and the basis for any objection. Responses to objections are due ten days after objections are filed and replies by the objecting party are due seven days thereafter. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

This order is in full force and effect, notwithstanding the filing of any objections, unless stayed by the Magistrate Judge or District Judge. S.D. Ohio Civ. R. 72.4.